

REGINALD REESE	§	
v.	§	CIVIL ACTION NO. 5:09cv144
RISSIE OWENS, ET AL.	§	

Reese's lawsuit concerns the issuance of an allegedly invalid parole violation warrant. After review of the pleadings, the Magistrate Judge issued a Report recommending that three of the Defendants, Brad Livingston, Nathaniel Quarterman, and the Texas Board of Pardons and Paroles, be dismissed from the lawsuit with prejudice. The Magistrate Judge concluded that Livingston, the executive director of the Texas Department of Criminal Justice, and Quarterman, the former director of the Institutional Division of TDCJ, had no personal involvement, and that the Texas Board of Pardons and Paroles had sovereign immunity from suit. Reese received a copy of this Report on April 27, 2010, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in the cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's claims against Brad Livingston, Nathaniel Quarterman, and the Texas Board of Pardons and Paroles be and hereby are DISMISSED with prejudice as frivolous and for failure to state a claim upon which relief may be granted. The dismissal of these claims and parties should have no effect upon the remaining claims and parties in this lawsuit. Finally, it is

ORDERED that the dismissal of these claims and parties shall not count as a strike for purposes of 28 U.S.C. §1915(g).

**SIGNED this 28th day of September, 2010.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE